Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Final Office Action mailed June 9, 2008.

Claims 1, 2, 5, 7-10, 12, 13, 16, 18, 19-21, 23, 24, 27, 29-31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al. (U.S. Publication No.: 2004/0039916) in view of Stupek et al. (U.S. Patent No.: 5,960,189).

Claims 3, 4, 6, 11, 14, 15, 17, 22, 25, 26, 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldis et al. (U.S. Publication No.: 2004/0039916) in view of Stupek et al. (U.S. Patent No.: 5,960,189) and in further view of Watanable et al. (U.S. Publication No.: 2003/0182146).

Claims 1, 12, 23 and 27, as previously amended, state that the disabling of the first license key is "such that the customer does not have rights to run the previous version of the software". This is not shown in the cited prior art.

For example, Stupek, Jr. et al. states in column 5, line 64 to column 6, line 42, that:

> "Before the packages are installed to the targets, the agent 21 may store 115 the older revision levels of the resources on a local hard disk 23. As a result, the user always has access to previous versions of the resources. Maintaining old versions of upgraded resources allows the user to downgrade the resource, if needed, in the future."

The purpose of Stupek, Jr. et al. is to allow access to versions of the software and it does not suggest removing the rights to run a preview version of the software. For this reason, the claims are believed to be novel and non-obvious over the cited prior art.

The Examiner states that:

> When the software is upgraded or downgraded, the current version that is upgraded or downgraded is replaced by the previous version and the

current version that is downgraded is not longer in
existence. It has been replaced or substituted by the
version that is used to upgrade or downgrade it.
Because the downgrade version or the current version
is inactivated and the previous or old version is activated
the user cannot and does not have rights to run the
software that is no longer existing (the replaced version).

These arguments go to the <u>ability</u> of a system to run the previous version of the software, rather than the <u>right</u> of the system to run the software.

The fact that an old version need to be reinstalled from memory before it can be run does not mean that there is no <u>right</u> to run the old version.

Stupek does not suggest that the right to run the previous (before the downgrade) version is removed by the downgrade. In fact, the reasonable reading of Stupek is that the previous (before the downgrade) version of the software is maintained just as the older (before the upgrade) version of the software is maintained to allow the user to run any such versions as needed.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: __April 6, 2008___

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